

Appl. No. 09/780,281

Response to Office Action dated March 25, 2005

REMARKS

This Response is submitted in reply to the Office Action dated March 25, 2005. Claims 1-12 are pending in the patent application. None of the claims have been amended. The abstract and specification were objected to based on informalities. Claims 1-12 were rejected under 35 U.S.C. §103(a). Applicant respectfully submits that for at least the reasons set forth below, the rejections have been overcome or are improper. Accordingly, Applicant respectfully requests reconsideration of the patentability of claims 1-12.

Claims 1-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,199,136 to Shteyn ("*Shteyn*") in view of U.S. Patent No. 5,530,859 to Tobias II et al. ("*Tobias*") and in further view of Applicant's alleged admission. Applicant respectfully submits that the cited combination of references does not disclose, teach or suggest the elements of claims 1-12 for the following reasons.

The Abstract was objected to based on an informality. Specifically, the Office Action states that the term "set" at line 11 of page 26 in the Abstract should be "sent". Applicant respectfully disagrees with the Office Action. As indicated at least on page 2 of the specification at line 23, the claimed invention sets the time information at, to or for the electronic device. Therefore, Applicant respectfully submits that the term "set" is the correct term in the Abstract. Applicant respectfully requests that the objection of the Abstract be withdrawn.

The disclosure of the specification was objected to as to informalities, specifically, the Office Action states that the phrase "(4 and 0 to 9)" on page 11, line 25 should be changed to "(4 and 6 to 9)". Applicant agrees and has amended the specification accordingly.

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,199,136 to Shteyn ("*Shteyn*") in view of Applicant's alleged admitted prior art and in further view of U.S. Patent No. 5,530,859 to Tobias II et al. ("*Tobias*"). Applicant respectfully submits that the cited art, even if properly combinable, does not disclose, teach or suggest the elements of claims 1-12 for at least the following reasons.

Applicant respectfully submits that there is no reason or motivation to combine these references. *Shteyn* is directed to a method and apparatus for a low data-rate network to be represented and controllable by high data-rate home audio video network. Specifically, the method includes connecting a controller to an HAVi network using a HAVi-compliant transport

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layer and providing a HAVi-compliant self describing device representative of a controllable functionality of the device in the low data rate network. The method enables registering the HAVi SDD on the HAVi network. Thus, the method described by *Shteyn* describes a high data rate first control network to control the device on a low data rate second network.

In contrast, *Tobias* is directed to a system for synchronizing a musical instrument digital interface (MIDI) presentation with presentations generated by other multimedia streams by using clock objects. Specifically, *Tobias* describes a method and system for synchronizing the timing of various multimedia events. The clock objects are defined in a storage device and are associated with an internal or external source of current time (Col. 1, lines 65-67). One or more multimedia objects representative of an audio, visual, MIDI or other multimedia event are defined and linked to a particular clock object or objects to synchronize those objects during a presentation. (Col. 2, lines 2-8).

Applicant respectfully submits that a person of ordinary skill in the art would not be motivated to combine *Shteyn* and *Tobias* because *Shteyn* does not disclose, teach or suggest controlling the time function or timing of different devices to synchronize the timing of those devices. The Office Action attempts to link *Shteyn* with *Tobias* by stating that the above-identified application teaches that some prior art devices in an HAVi network use a time compensating function. However, this information does not remedy the fact that *Tobias* is directed to a method and system for synchronizing the timing of various multimedia events and controlling one or more other devices, where in contrast, *Shteyn* describes a high data rate home audio network which controls a device in a low data rate network but does not describe synchronizing the timing of any events.

Accordingly, a person of ordinary skill in the art would not be motivated to combine these two reference where there is no motivation or teaching in either reference to make such a combination.

Even if these references are combined, the combination of *Shteyn*, *Tobias* and Applicant's alleged admission does not disclose, teach or suggest the claimed invention. As described above, *Shteyn* is directed to a method and apparatus for enabling a high data rate home audio video network to control a device in a low data rate network. *Shteyn* does not disclose a time setting function determining part for determining whether a plurality of electronic devices

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have a time setting function as in the claimed invention. Therefore, the Office Action attempts to remedy the deficiencies of *Shteyn* by using information described in the specification of the above-identified application. Specifically, the Office Action states that "Applicant teaches as prior art that some devices in HAVi use a time compensating function while others do not . . . thus it would have been obvious to one of ordinary skill in the art at the time of the invention to have a time setting function determining part for determining whether the plurality of electronic devices have a time setting function . . .". (See the Office Action on page 3). Applicant respectfully disagrees.

Applicant respectfully submits that although Applicant's states that some digital HAVi devices have time compensating functions and others do not, the specification does not detail that such devices have a time setting function determining part as in the claimed invention. Accordingly, the Office Action incorrectly states that the devices that have time compensating functions obviously have time setting function determining parts. Neither *Shteyn* nor the portion of the specification at issue of the above-identified patent application disclose, teach or suggest that certain devices in an HAVi network include time setting function determining parts. In this instance, clearly the Patent Office has improperly relied on hindsight reasoning in support of its position.

Furthermore, *Tobias* does not disclose, teach or suggest a time setting function determining part that determines whether a plurality of electronic devices have a time setting function corresponding to the control information obtained from a control information obtaining part as in the claimed invention. Instead, one or more multimedia objects are defined and linked to a particular clock object or clock objects shown on a display associated with a computer. The computer includes a processor which synchronizes the multimedia objects with the associated clock object or objects. (Col. 1, line 61 to Col. 2, line 8).

Moreover, *Tobias* also does not disclose, teach or suggest a time information setting part for setting the time information obtained by the time information obtaining part to each of the electronic devices determined as devices have the time setting function by the time setting function determining part.

For at least these reasons, the combination of *Shteyn*, *Tobias* and Applicant's alleged admission does not disclose, teach or suggest the elements of claim 1. Therefore, claim 1 and

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claims 2-10 which depend from claim 1, are each patentably distinguished over the combination of *Shteyn, Tobias* and Applicant's alleged admission and are in condition for allowance.

Claims 11 and 12 include certain similar elements to claim 1. Specifically, claims 11 and 12 include at least the element of determining whether the electronic devices have a time setting function corresponding to a control information obtained by a control information obtaining part. As stated above, the combination of *Shteyn, Tobias* and Applicant's alleged admission does not disclose, teach or suggest at least this element. Accordingly, claims 11 and 12 are patentably distinguished over the combination of *Shteyn, Tobias* and Applicant's alleged admission and are in condition for allowance.


In light of the above, Applicant respectfully submits that claims 1-12 are novel and non-obvious over the art of record because the combination of *Shteyn, Tobias* and Applicant's alleged admission do not disclose, teach or suggest the elements of these claims. Accordingly, Applicant respectfully requests that claims 1-12 be deemed allowable at this time and that a timely Notice of Allowance be issued in this case.

No fees are due. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from deposit account no. 02-1818. If such a withdrawal is made, please indicate the attorney docket number (112857-200) on the account statement.

Respectfully submitted,

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